

1 **DEMETRIUS L. HARVEY**
2 **IN PRO PER**
3 **360 SO. HELM AVENUE**
4 **FRESNO, CA 93727**
5 **TELEPHONE: 559-255-1971**

FILED *C*
SEP - 4 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

6 **UNITED STATES DISTRICT COURT**
7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

8 **DEMETRIUS L. HARVEY**)

CASE NO. C07 - 01681 SBA

9 **Plaintiff**)

10 **v.**)

EX PARTE MOTION FOR
CONTINUANCE FOR DISCOVERY

11 **CITY OF OAKLAND, a municipal**)
12 **corporation; OAKLAND POLICE**)
13 **DEPARTMENT; WAYNE TUCKER,**)
14 **Chief, Oakland Police Department**)
15 **DEPUTY CHIEF HOWARD JORDAN**)
16 **OAKLAND POLICE LIEUTENANT**)
17 **GIER, OAKLAND POLICE**)
18 **LIEUTENANT WHITMAN,**)
19 **OAKLAND POLICE OFFICER**)
20 **DOMINIQUE AROTZARENA,**)
21 **OAKLAND POLICE OFFICER J.**)
22 **MORRIS,**)

Local Rule 7-10

23 **in their official and individual capacities,**)
24 **DOES 1 through 50, inclusive.**)

25 **Defendants.**)
26
27
28

This motion for continuance for discovery is based on the following:

1. Discovery is set for cut-off date on September 2, 2008 by the Court.
2. I was deposed by the Defendants' lawyer on August 28, 2008, in Fresno, Ca.
3. I did not received several requested documents from the Defendants due to pending trials currently in Alameda Superior Court regarding charges against individuals from the November 23, 2005 incidents.
4. I have requested documents regarding myself, not individuals who are on trial and

1 the Defendants has stated that they will produced *only* non-privileged documents.
2 Defendants has produced some non-privileged documents but not other documents
3 requested that are not privileged.

4 5. Subpoena was served on the Alameda's District Attorney Office on July 28, 2008
5 to produce requested documents and/ or objects.

6 6. I received some requested documents on August 29, 2008 from the DA's
7 Custodian of Record but not the documents that Defendants claim to be in the
8 possession of the DA. Several non-privileged documents were not produce by the DA
9 that are important in my discovery process. The majority of the documents received
10 are from the Defendants and very few documents are from DA's files.

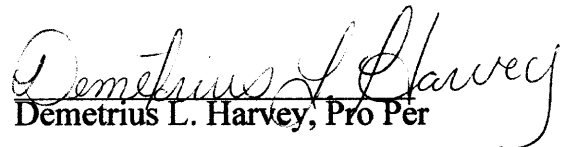
11 7. The requested documents are very important along with other discovery to utilize
12 during depositions of defendants and other individuals who are involved in this case.
13 Also, such documents are needed to oppose the anticipation of the Defendants'
14 Motion for Summary Judgement/Adjudication.

15 8. I believe such discovery can be completed in 45 days.

16 9. This request is made solely in the interests of justice and not for the purpose of
17 delay nor to be prejudicial to any parties of record.

18 The motion is made in good faith that the Court grant an additional 45 days for
19 continuance for discovery. If the Court denies this motion, allow me additional time
20 to file a Motion to Compel for documents to be produced and a Motion to Re-Open
21 Discovery.

22
23 Dated: August 31, 2008


Demetrius L. Harvey, Pro Per

CERTIFICATE OF SERVICE

Demetrius L. Harvey

Plaintiff,

vs.

City of Oakland, et al

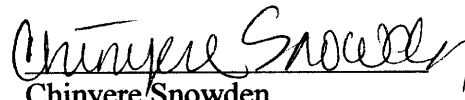
Defendants.

CASE NO. CO7- 01681 SBA

I, the undersigned, hereby certify that I am over eighteen years of age and not a party to the above-entitled action.

That on August 31, 2008, I served a true and correct copy of the attached: **PLAINTIFF'S EX PARTE FOR CONTINUANCE FOR DISCOVERY** by placing such paper(s) in a postage paid envelope to the following listed below, by depositing said envelope in the U.S. Mail.

OFFICE OF THE CLERK
US DISTRICT COURT- NORTHERN DISTRICT
1301 CLAY ST. SUITE 400S
OAKLAND, CA. 94612


Chinyere Snowden
360 S. Helm Ave.
Fresno, Ca. 93727

Chinyere Snowden
360 S. Helm Ave.
Fresno, CA. 93727

FRESNO CA 937

02 SEP 2008 PM 2:2

TEST EARLY FOR
SIGNS OF
STRESS



USA
37

Office of the Clerk US District Court
Northern District of California
1301 Clay St. Suite 400-S
Oakland, CA. 94612-5212

94612+5212

